

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO: 04-11933-NMG

SPINIELLO COMPANIES,
Plaintiff,

v.

BRICO INDUSTRIES, INC.
Defendant.

JOINT MOTION TO CONTINUE THE TRIAL DATE

The parties to this matter, hereby jointly move this Honorable Court for an order continuing the trial of this matter, which is presently scheduled for May 7, 2007, until a date in September.

As grounds for this Motion, the parties state that the defendant, Brico Industries, Inc. filed a motion for summary judgment in October 2006, to which the plaintiff opposed. Although the Court has not issued a decision on the motion, the parties agree that if any part of the motion is denied, they would like time to explore settlement negotiations. Thus, the parties would ask for a September trial date in order for there to be time for the Court to make its decision on the motion for summary judgment, and if necessary, give the parties time to consider settlement possibilities and/or prepare for trial.

Additionally, lead counsel for Brico Industries, Inc., Attorney Thomas Federico is committed to speak at a conference for the Associated General Contractors on May 7, 2007. Thus, Brico also requests the trial date be moved for that reason.

WHEREFORE, the parties request that the May 7, 2007 trial of this matter be continued to a date in September.

Respectfully submitted,

SPINIELLO COMPANIES

By its attorneys,

/s/ Jeremy Blackowicz

Charles E. Schaub, Jr. (BBO #444920)
Jeremy Blackowicz (BBO #650945)
Hinckley, Allen & Snyder LLP
28 State Street
Boston, MA 02109-1775
(617) 345-9000

BRICO INDUSTRIES, INC.

By its attorneys,

/s/ Grace V. Bacon Garcia

Thomas C. Federico (BBO #160830)
Grace V. Bacon Garcia (BBO #640970)
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02110
(617) 439-7500

DATED: March 13, 2007

CERTIFICATE OF SERVICE

I certify that this document has been served upon all counsel of record in compliance with the F.R.C.P.

/s/ Grace V. Bacon Garcia

Grace V. Bacon Garcia

Date: March 13, 2007